IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

THURMOND GODFREY,

                    Petitioner,   Case No. 3:07 CV 1337

       -vs-

                                               O R D E R

FEDERAL BUREAU OF PRISONS,

                    Respondent

KATZ, J.

This action was transferred to the United States Magistrate for a Report and Recommendation. ("R & R"). The Magistrate filed her Report and Recommendation on May 20, 2008. The Court served Petitioner at his last known address, FCI Elkton, Lisbon, Ohio. Said mailing was returned to the Court. (Doc. No. 26). The Court then determined that Petitioner had been released on April 10, 2008 and has not advised the Court of any other address.

Unable to serve the R & R on Petitioner, the Court has reviewed *de novo* said Report and Recommendation, the findings and recommendations contained therein, and the record in this case. The findings and recommendations of the Magistrate Judge are well taken and there are no legal points which would be arguable on their merits in an appeal of this case. Furthermore, the Court has determined sua sponte that no certificate of probable cause should issue in this case as any appeal would lack substantial merit.

It is therefore,

ORDERED, that the Report and Recommendation be, and hereby is, adopted as the Order of this Court.

FURTHER ORDERED that Petitioner's Motion to Strike Respondent's Motion to Dismiss is denied (Doc. No. 19).

FURTHER ORDERED that Respondent's motion to Dismiss is granted. (Doc. No. 15).

FURTHER ORDERED that Movant Paul A. Lee's Motions to Intervene are denied (Docket Nos. 17, 20, 21 and 23).

FURTHER ORDERED that under 28 U.S.C. §1915(a), an appeal of this case should not proceed *in forma pauperis* as it would not be taken in good faith.

FURTHER ORDERED that a motion for certificate of probable cause under 28 U.S.C. §2253 is hereby denied *sua sponte*.

       S/ *David A. Katz*
       DAVID A. KATZ
       U. S. DISTRICT JUDGE